

\* \* \* NOT FOR PUBLICATION<sup>1</sup> \* \* \*

POST ON COURT'S WEBSITE

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON

In re:

KATRINA RAETZER,

Putative Debtor.

No. 08-42075

**ORDER re SERVICEMEMBERS CIVIL  
RELIEF ACT**

Petitioning creditor LL Mills filed an involuntary petition against Katrina Raetzer, seeking an order for Chapter 7 relief under § 303 of the Bankruptcy Code<sup>2</sup> on 7 May 2008. According to petitioning creditor's proof of service, the petition was served by mail on the putative debtor 14 May 2008. No answer has been filed.

An involuntary petition must be served in accordance with Rule 7004, Rule 1010, and a contested involuntary petition is a contested matter governed by Rule 9014. See Rule 1018; In re Western Land Bank, Inc., 116 B.R. 721, 724-25 (Bankr. C.D. Cal. 1990). An order for involuntary relief is treated as a judgment. See In re Blutrich Herman & Miller, 227 B.R. 53 (Bankr. S.D.N.Y. 1998). Thus, compliance with the

<sup>1</sup> THIS ORDER IS NOT APPROVED FOR PUBLICATION AND MAY NOT BE CITED EXCEPT WHEN RELEVANT UNDER THE DOCTRINE OF LAW OF THE CASE OR THE RULES OF RES JUDICATA AND CLAIM PRECLUSION.

<sup>2</sup> Absent contrary indication, all "Code," chapter, and section references are to the Bankruptcy Code, 11 U.S.C. §§ 101-1330 as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA"), Pub.L. 109-8, 119 Stat. 23. "Rule" references are to the Federal Rules of Bankruptcy Procedure, and "LBR" references are to the Local Bankruptcy Rules of this district.

1 Servicemembers Civil Relief Act, 50 App. U.S.C. § 521 et seq., would  
2 seem to be required for proper service.

3 Accordingly, it is ORDERED: The petition WILL BE DISMISSED unless,  
4 within ten (10) days, petitioning creditor files either:

5 1. a sufficient affidavit (or declaration), as required by 50  
6 App. U.S.C. § 521(b); or  
7 2. a memorandum explaining why the Servicemembers Civil Relief  
8 Act is not applicable, in which event I will hold a hearing at  
9 9:30 a.m. on 22 July 2008, U.S. Bankruptcy Court, Courtroom I,  
10 1717 Pacific Avenue, Tacoma, Washington, and any other party  
may file a response not later than 17 July 2008.

11 **/// - END OF ORDER - ///**



12  
13 Philip H. Brandt  
14 United States Bankruptcy Judge  
15 (Dated as of "Entered on Docket" date above)

16 CERTIFICATE OF SERVICE:

17 I CERTIFY I SERVED COPIES OF  
18 THE FOREGOING (VIA U.S. MAIL,  
19 FAX, FACSIMILE, OR ELECTRONICALLY) ON:

20 Katrina Raetzer  
21 1205 Shaw Road  
22 Puyallup, WA 98372

23 Daniel F. Clawson  
24 Email: dclawson@seanet.com  
(LL Mills)

25 Chase Bank USA  
c/o Weinstein and Riley, PS  
2001 Western Ave, Ste 400  
Seattle, WA 98121-3132

26 American Express Centurion Bank  
c/o Becket and Lee LLP  
27 POB 3001  
28 Malvern, PA 19355-0701

U.S. Trustee  
Served via ECF

DATE: July 9, 2008

BY: /s/ Suzan Gallup